



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/716,113 11/16/00 RUIZ

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PM82/1108

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EXAMINER

NGUYEN, X

ART UNIT	PAPER NUMBER
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3613

DATE MAILED:

11/08/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/716,113

Applicant(s)

RUIZ, STEPHEN JOHN

Examiner

Lan Nguyen

Art Unit

3613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 4,7-20,24 and 27-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,21-23,25 and 26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-40 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- Species A figures 3 and 13
- Species B figure 7
- Species C figure 11

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 21 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Steven Laut, Registration number 47736, on 10/31/01 a provisional election was made with traverse to prosecute the invention of species A, claims 1-3, 5, 6, 21-23, 25 and 26. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4, 7-20, 24 and 27-40 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "a symmetrical design allows for a bi-directional rotor" as described in the specification in page 6, lines 18 and 19. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.

4. Figures 2 and 12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "1230" in page 11, line 8. Correction is required.

6. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5, 21-23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Topouzian et al.

Re: claim 1, Topouzian et al. show a mounting hat 14 for a brake rotor 12, as in the present invention, comprising: a lower section 14 coupled to an upper section 34, a plurality of aerodynamically shaped standoff vanes 46 each having a leading edge, a trailing edge, a top and a bottom coupled to the upper section as shown in figures 1 and 3; and a plurality of vents 66.

Re: claims 2 and 4, Topouzian shows in figure 1, the leading edge and the trailing edge of the plurality of standoff vanes are curved and are asymmetrical.

Re: claim 3, in figure 3, Topouzian shows the leading edge and the trailing edge of the plurality of aerodynamically shaped standoff vanes are one of stepped up and ramped up from the upper section 34 towards the top of the plurality of aerodynamically shaped standoff vanes.

Re: claim 21, Topouzian shows a brake rotor 12, a hub 14, standoff vanes 46 and vents 66 as discussed in the above claim 1 rejection.

Re: claims 22 and 25, Topouzian shows in figure 1, the leading edge and the trailing edge of the plurality of standoff vanes are curved and are asymmetrical.

Re: claim 23, in figure 3, Topouzian shows the leading edge and the trailing edge of the plurality of aerodynamically shaped standoff vanes are one of stepped up and ramped up from the upper section 34 towards the top of the plurality of aerodynamically shaped standoff vanes.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Topouzian et al. in view of Giorgetti et al.

Topouzian et al.'s mounting hat and a brake rotor, as discussed in claims 1 and 21 rejections above, lacks the feature of "standoff vanes is bored to accept one of a

drive pin, a bolt, and a lug." Giorgetti et al. show a mounting hat 10 where a standoff vane 14 is bored as shown in figure 2 to accept a lug 15. It would have been an obvious engineering choice to one of ordinary skill in the art at the time the invention was made to have included a mounting hat with a stand off vane which is bored to accept a lug as an alternative design of a two piece hub and rotor to a one-piece hub and rotor design of Topouzian et al. in order to provide the consumers with an alternative in the mounting hat products as taught by Giorgetti.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gotti et al., Goddard, Dickerson et al., Zhang, Sporzynski et al., Moore et al. and Ellis show various brake rotors and mounting hats.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 9 to 5:30.

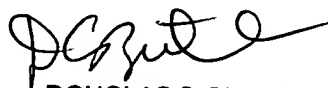
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Oberleitner can be reached on 703-308-2569. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


DOUGLAS C. BUTLER
PRIMARY EXAMINER

11/7/01

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November 6, 2001